

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LAMINA PACKAGING INNOVATIONS,  
LLC,

Plaintiff,

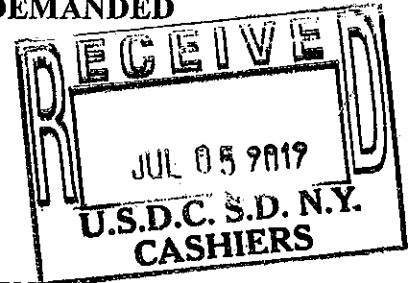
v.

LAFCO ENTERPRISES, INC., D/B/A  
LAFCO NEW YORK

Defendant.

Case No.

**12 CIV 5225**  
**JURY TRIAL DEMANDED**



**COMPLAINT FOR PATENT INFRINGEMENT**

1. This is an action for patent infringement in which Lamina Packaging Innovations, LLC ("Lamina" or "Plaintiff") makes the following allegations against Lafco Enterprises, Inc., d/b/a Lafco New York.

**PARTIES**

2. Plaintiff Lamina is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business at 3301 W. Marshall Ave., Longview, TX 75604.

3. On information and belief, Defendant Lafco Enterprises, Inc. d/b/a Lafco New York ("Lafco") is a New York corporation with its principal place of business at 285 Lafayette St., New York, NY 10012. Lafco may be served with process via Jonathan Bresler at 285 Lafayette St., New York, NY 10012.

**JURISDICTION AND VENUE**

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Lafco has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

### **FACTUAL BACKGROUND**

6. Lafco is in the business of producing and selling various scented candles. Lafco packages many of these products in laminated paperboard boxes, some of which infringe at least one claim of each of the Patents-in-Suit.

7. Lamina contends that at least Lafco's "Beach House" candle packaging infringes the Patents-in-Suit.

### **THE PATENTS-IN-SUIT**

8. United States Patent No. 6,780,480 ("the '480 Patent"), entitled "Laminated Package Having Metalized Paper," was duly and lawfully issued on August 24, 2004, based upon an application filed by the inventor, Roger P. Hoffman. A copy of the '480 Patent is attached hereto as **Exhibit A**.

9. Lamina is the owner of the '480 Patent and has the right to sue, and recover damages, for infringement thereof.

10. United States Patent No. 7,348,067 ("the '067 Patent"), entitled "Composite Paperboards and Method of Making Composite Paperboards," was duly and lawfully issued on March 25, 2008, based upon an application filed by the inventor, Roger P. Hoffman. A copy of the '067 Patent is attached hereto as **Exhibit B**.

11. Lamina is the owner of the '067 Patent and has the right to sue, and recover damages, for infringement thereof.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 6,780,480**

12. On information and belief, Lafco has been and is now directly infringing the '480 Patent in this judicial district, and elsewhere in the United States. Infringements by Lafco include, without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, at least its "Beach House" candle packaging ("Packaging"), infringing one or more claims of the '480 Patent. By making, using, importing, offering for sale, and/or selling within the United States, and/or importing into the United States said Packaging, and all like Packaging that are covered by one or more claims of the '480 Patent, Lafco is liable for infringement of the '480 Patent under 35 U.S.C. § 271(a).

13. Lafco infringes at least Claim 1 of the '480 Patent, by way of example only, and without limitation on Lamina's assertion of infringement by Lafco of other claims of the '480 Patent. Claim 1 of the '480 Patent reads as follows:

1. A laminated carton comprising:  
a laminated composite sheet folded and secured in the configuration of a box;  
said sheet comprising a non-corrugated base layer of unbleached cellulosic fibers and having an inner surface and an outer surface;  
an outer layer of separately formed non-corrugated metallized paper having an inner surface and an outer surface; printed graphics disposed on the outer surface of the outer layer;  
an adhesive disposed between the inner surface of the outer layer and the outer surface of the base layer.

On information and belief, Lafco's Packaging comprises each and every step of at least Claim 1 of the '480 Patent.

14. Lafco's Packaging comprises the first element of Claim 1, a "laminated carton comprising a laminated composite sheet folded and secured in the configuration of a box," as

shown in the picture attached as **Exhibit C**, obtained from <http://www.ellaandboss.com/products/lafco-house-home-collection-beach-house.html>.

15. Lafco's Packaging comprises the second element of Claim 1, "said sheet comprising a non-corrugated base layer of unbleached cellulosic fibers and having an inner surface and an outer surface," as shown in the picture attached as **Exhibit D**.

16. Lafco's Packaging comprises the third element of Claim 1, "an outer layer of separately formed non-corrugated metalized paper having an inner surface and an outer surface; printed graphics disposed on the outer surface of the outer layer," as shown in the picture attached as **Exhibit C**.

17. Lafco's Packaging comprises the fourth element of Claim 1, "an adhesive disposed between the inner surface of the outer layer and the outer surface of the base layer," as shown in the picture attached as **Exhibit E**.

18. On information and belief, Lafco's Packaging also comprises all of the elements of at least Claims 2 and 3 of the '480 Patent, without limitation, and therefore infringes those claims as well.

**COUNT II**  
**INFRINGEMENT OF U.S. PATENT NO. 7,348,067**

19. On information and belief, Lafco has been and is now directly infringing the '067 Patent in this judicial district, and elsewhere in the United States. Infringements by Lafco include, without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, at least its "Beach House" candle packaging ("Packaging"), infringing one or more claims of the '067 Patent. By making, using, importing, offering for sale, and/or selling within the United States, and/or importing into the United States

said Packaging, and all like Packaging that are covered by one or more claims of the '067 Patent, Lafco is liable for infringement of the '067 Patent under 35 U.S.C. § 271(a).

20. Lafco infringes at least Claim 1 of the '067 Patent, by way of example only, and without limitation on Lamina's assertion of infringement by Lafco of other claims of the '067 Patent. Claim 1 of the '067 Patent reads as follows:

1. A laminate composite sheet comprising:  
a two-ply base layer comprised of a bottom ply and a top ply, wherein the bottom ply is comprised of unbleached cellulosic fibers and wherein the top ply is comprised of bleached or brightened cellulosic fibers;  
a further layer attached to the top ply with a layer of adhesive; said further layer having a top and a bottom surface, said further layer selected from the group consisting of paper or film; said layer of adhesive containing no pigment, and said top surface of said further layer having no coating.

On information and belief, Lafco's Packaging comprises each and every step of at least Claim 1 of the '480 Patent.

31. Lafco's Packaging comprises the first element of Claim 1, a "laminated composite sheet comprising: a two-ply base layer comprised of a bottom ply and a top ply, wherein the bottom ply is comprised of unbleached cellulosic fibers and wherein the top ply is comprised of bleached or brightened cellulosic fibers," as shown in the picture attached as **Exhibit F**.

32. Lafco's Packaging comprises the second element of Claim 1, "a further layer attached to the top ply with a layer of adhesive, said further layer having a top and a bottom surface, said further layer selected from the group consisting of paper or film; said layer of adhesive containing no pigment, and said top surface of said further layer having no coating," as shown in the picture attached as **Exhibit G**.

33. On information and belief, Lafco's Packaging also comprises all of the elements of at least Claim 19 of the '067 Patent, and therefore infringes that claim as well.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this court enter:

34. A judgment in favor of Lamina that Lafco has infringed the '480 and '067 Patents;

35. A judgment and order requiring Lafco to pay Lamina its damages, costs, expenses, and prejudgment and post-judgment interest for Lafco's infringement of the '480 and '067 Patents as provided under 35 U.S.C. § 284;

36. A judgment and order finding that this is an exceptional case within the meaning of U.S.C. § 285 and awarding to Lamina its reasonable attorneys' fees; and


37. Any and all other relief to which Lamina may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

Lamina, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

July 5, 2012

Respectfully submitted

  
Steven M. Hayes  
HANLY CONROY BIERSTEIN  
SHERIDAN FISHER & HAYS LLP  
112 Madison Avenue  
New York, NY 10016-7416  
(212) 784-6400 Main  
(212) 213-5949 Fax  
shays@hanlyconroy.com

Scott E. Stevens  
Gregory P. Love

Darrell G. Dotson  
Toddy Y. Brandt  
Scott A. Severt  
(*PRO HAC VICE*)  
STEVENS LOVE  
222 N. Fredonia St.  
Longview, Texas 75601  
(903) 753-6760  
scott@stevenslove.com  
greg@stevenslove.com  
darrell@stevenslove.com  
todd@stevenslove.com  
ssevert@stevenslove.com

**Attorneys for Plaintiff**  
**Lamina Packaging Innovations, LLC**